

Introduced by Senator BurtonFebruary 19, 2004

An act to add Section 2024.6 to the Family Code, relating to court files.

LEGISLATIVE COUNSEL'S DIGEST

SB 1440, as introduced, Burton. Court files: confidentiality of marital assets.

Existing law generally recognizes court records as public records, unless a specific exception applies. Under existing law, one exception with respect to dissolution matters allows social security numbers of persons involved to be kept in the confidential portion of court files.

This bill would establish procedures for keeping the location or identifying information about the assets and liabilities of the parties in a dissolution matter sealed. The bill would require a related Judicial Council form to be revised in accordance with those procedures and would make other related changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2024.6 is added to the Family Code, to
2 read:
3 2024.6. (a) Upon request by a party to a petition for
4 dissolution of marriage, nullity of marriage, or legal separation,
5 the court shall order a pleading that lists the parties' financial assets
6 and liabilities and provides the location or identifying information



1 about those assets and liabilities sealed. The request may be made
2 by ex parte application.

3 (b) The Judicial Council form used to declare assets and
4 liabilities of the parties in a petition for dissolution of marriage,
5 nullity of marriage, or legal separation of the parties shall require
6 the party filing the form to state whether the declaration contains
7 identifying information on the assets and liabilities listed therein.
8 If the party making the request uses a pleading other than the
9 Judicial Council form, the pleading shall exhibit a notice on the
10 front page, in bold capital letters, that the pleading lists and
11 identifies financial information and is therefore subject to this
12 section.

13 (c) For purposes of this section, “pleading” means a document
14 that sets forth or declares the parties’ assets and liabilities, a marital
15 settlement agreement that lists and identifies the parties’ assets and
16 liabilities, or any document filed with the court incidental to the
17 declaration or agreement that lists and identifies financial
18 information.

19 (e) The party making the request to seal a pleading pursuant to
20 subdivision (a) shall serve a copy of the pleading on the other party
21 to the proceeding and file a proof of service with the request to seal
22 the pleading.

